

HOUSE BILL 2589

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, relative to imitation firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section thereto:

§ 39-17-1362.

(a) As used in this section, unless the context otherwise requires, “imitation firearm” means an object or device substantially similar in coloration and overall appearance to a firearm, as defined in § 39-11-106(a), as to lead a reasonable person to perceive that the object or device is such a firearm, including but not limited to, a BB gun, toy gun, or a replica of a firearm.

(b) A person commits an offense who intentionally displays in a threatening manner an imitation firearm in a public place, as defined in § 39-11-106(a).

(c) It is a defense to a violation of subsection (b) if the display of the imitation firearm is:

- (1) Used in any justifiable defense as set forth in title 39, chapter 11, part 6;
- (2) Displayed or exposed in the course of commerce, including commercial film or video productions, or for service, repair, or restoration of the imitation firearm;
- (3) Used in a theatrical production, a motion picture, video, television, or stage production;
- (4) Used in conjunction with a professional or amateur sporting event or competition;

(5) Used in conjunction with lawful hunting, trapping, fishing, camping or sport shooting;

(6) Used at a regional fair or other similar activity;

(7) Used in military, civil defense, or civic activities, including flag ceremonies, color guards, parades, award presentations, historical reenactments, and memorials;

(8) Used for public displays authorized by public or private schools or displays that are part of a museum collection; or

(9) Used in an organized parade, procession or other organized ceremonial event.

(d) A violation of subsection (b) is a Class B misdemeanor.

(e) Nothing in this section shall be construed to prohibit prosecution under any other provision of law.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.